

September 8, 2010

Frederick County Division of Planning

Review for a Finding of Consistency PATH – Kemptown Substation

ISSUE

This review of the proposed Kemptown substation for a finding of consistency by the Frederick County Planning Commission is directed by Article 66B, Section 3.08 of the Annotated Code of Maryland. Section 3.08 reads in part:

... a publicly or privately owned street, square, park or other public way, ground, or open space, or public building or structure, or public utility may not be constructed or authorized in the local jurisdiction or the major geographic section of the local jurisdiction until the location, character, and extent of the development has been submitted to and approved by the planning commission as consistent with the plan.

This finding by the Planning Commission will have no bearing on the Board of Appeals review of a Special Exception request for the Kemptown substation. This Special Exception review will proceed regardless of the consistency finding by the Planning Commission.

BACKGROUND

Finding of Consistency

From the language in Section 3.08 noted above the finding of consistency with the comprehensive plan will address the location, character, and extent of development of the proposed substation. The Planning Commission may consider the following in its finding of consistency:

- Land Use Plan Designation – Consider the designation for the substation site itself and of the surrounding properties.
- Existing Land Uses – Consider compatibility of existing, surrounding land uses with the proposed substation.
- Goals – Each theme/chapter of the 2010 Plan includes goals that provide a desired result or a general direction for action related to the respective theme.
- Policies – Each theme/chapter includes policies that provide strategies for achieving the goals. Policies also provide direction for decisions and findings by the Planning Commission or the BOCC.

The reasons and basis for the Planning Commission's finding should make reference to one or more of the items listed above including references to specific goals or policies.

Overview of the Potomac Appalachian Transmission Highline (PATH) Project

The PATH project proposes a 275 mile 765 kV transmission line from the Amos substation in western West Virginia to the proposed Kemptown substation in Frederick County. The project was approved in 2007 by PJM Interconnection, which is the regional (13 state area) organization responsible for ensuring reliable electric service and planning for necessary improvements. The improvements are directed to the respective power company responsible for the particular geographic area where the improvements are identified.

Within Frederick County the proposed transmission line will parallel and run immediately adjacent to existing transmission lines. The PATH line will require its own 200-foot right-of-way, which would be in addition to the 150 – 200 foot right-of-ways of the existing transmission lines.

Description of the Proposed Kemptown Substation

Allegheny Power has purchased two adjoining parcels (Parcels 21 and 166) on the west side of Bartholows Rd. across from W. Oak Dr. The total area of the two parcels is 167 acres. The Potomac Electric Power Co. (PEPCO) owns an adjoining parcel of 6.2 acres to the west of Parcel 166. The substation site has two existing transmission lines running through it or adjacent to it.

- Doubs-Brighton 500 kV line – (owned by BG&E) connects the Doubs substation located north of Point of Rocks with the Brighton substation located in Montgomery County. The PATH transmission line will generally run parallel to the Doubs-Brighton line as it enters the Kemptown site from the west.
- Brighton Loop 500 kV line – (owned by PEPCO) which connects with the Doubs-Brighton line immediately to the west of the Kemptown substation site. This line runs to the southeast into Montgomery County.

Substation – (see Map 1) will generally be centered within the site and will have a foot print of approximately 41 acres. For comparison the existing Doubs substation, north of Point of Rocks, has a developed foot print of approximately 19 acres. The substation will have a gravel surface surrounded by a chain link fence.

Structure Heights – (see Map 2) With the three transmission lines entering/exiting the substation there will be eighteen (18) towers within the substation ranging in height from 130 – 175 feet. Other equipment for the substation will have heights in the 35-55 foot range.

Transmission Lines – (see Map 2) there will be some relocations of the existing Doubs – Brighton line (BG&E) and the Brighton Loop line (PEPCO) to route them into the substation at four different points. The proposed PATH line will enter the substation at its western end.

Zoning and the Land Use Plan Designations

The substation site is located in an area commonly referred to as Green Valley, which is bounded by I-70 to the north, MD 75 to the west and the Montgomery County line to the east and south. The Green Valley area has been developing with low density residential uses, on well/septic, since the early 1970's. While the area is largely residential in character there are still a number of properties with active agricultural uses.

Zoning - The substation site is zoned Agricultural (A) while the adjoining properties are zoned either R-1 Low Density Residential or Agricultural.

Land Use Plan – The site is designated Agricultural/Rural on the 2010 Comprehensive Plan. Adjoining properties zoned Agricultural are also designated Agricultural/Rural. The surrounding properties with R-1 zoning are designated Rural Residential.

FINDING

The Planning Commission should cite its reasoning related to the location, character, and extent of development of the substation in its finding of consistency with the 2010 County Comprehensive Plan. The Planning Commission should review the applicant's justification statement with regards to how it addresses the location, character, and extent of development of the substation.